

No. 5:15-CR-181-1H
5:15-CV-452-H

Defendant.


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This matter is before the Court on defendant's motion to vacate pursuant to 28 U.S.C. § 2255 [DE #24]. Title 28 U.S.C. § 2255(a) provides that a prisoner in custody may move the court which imposed the sentence to vacate, set aside or correct the sentence. As this court is not the court which imposed the sentence in this matter, defendant's motion to vacate is dismissed without prejudice to his right to refile his motion in the appropriate district court.

Furthermore, defendant's motion to dismiss the petition for supervised release is based on defendant's argument that his underlying judgment is incorrect. As noted above, this court lacks jurisdiction to alter or amend the underlying judgment as

requested by defendant. Therefore, defendant's motion to dismiss [DE #19] is DENIED.

This 6th day of October 2015.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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